



# GIIKENDAAM CHIWIKWEGAMAG

**All You Need To Know About The Keweenaw Bay Indian Community**  
**Miinike Giizis - Blueberry Moon - August 2006**



## **FEDERAL APPEALS COURT RULES KEWEENAW BAY INDIAN RESERVATION PROPERTY IS NOT SUBJECT TO STATE PROPERTY TAX**

On June 26, 2006, a three-judge panel of the United States Court of Appeals for the Sixth Circuit affirmed a federal district court decision that the Michigan General Property Tax Act is not enforceable against land owned by the Keweenaw Bay Indian Community or its members within the boundaries of the L'Anse Indian Reservation in Michigan's Upper Peninsula. The decision is the latest victory for the Community and its members in a federal lawsuit that was first filed in 2003.

"The Sixth Circuit's decision thoroughly justifies the Community's long-held position that the 1854 Treaty and general principles of tribal sovereignty absolutely forbid the state from imposing property taxes on our Reservation lands, regardless of the title by which they are held," said Susan LaFerner, President of the Community's Tribal Council. "We are gratified that now two separate federal courts, the United States Federal District Court and the United States Court of Appeals for the Sixth Circuit, and the State of Michigan Tax Tribunal have upheld the Community's legal position on this property tax issue."

The federal appeals court, by affirming the decision of the federal district court, held that enforcement of the Michigan property tax against lands owned by the Community and tribal members within the L'Anse Reservation was unlawful because it violated the 1854 Treaty between the United States and Community, which created the L'Anse Reservation as a permanent home for the members of the

Community. After evaluating the language, history, and context of the 1854 Treaty, the court held that Article 11 of the Treaty precludes involuntary taking of Indian-owned lands within the Reservation, whether by tax sales or otherwise, and therefore, the Treaty prevents state taxation of such lands. In so holding, the court agreed with the district court that "It defies logic to believe that the Indians would have signed a treaty ceding over seven million acres to the United States, knowing that they could lose the land they kept as reservation the following year, due to non-payment of taxes."

The appeals court also held that the Michigan property tax could not be enforced against lands owned by the Community or its members within the Reservation because Congress has not enacted a statute that made the Indian-owned lands within the Reservation either alienable or taxable. The court cited the federal common law rule that Indian-owned property within an Indian reservation is not subject to state taxation unless Congress has clearly and expressly authorized such taxation by statute. The court held that the 1854 Treaty, under which the Reservation lands had been allotted and made alienable, was not an act of Congress and did not authorize taxation of Indian-owned Reservation lands. Accordingly, the court held that Indian-owned lands within the Reservation were not subject to Michigan property tax under federal common law.

## **MDEQ ORDERED TO STOP PROCESSING KENNECOTT PERMIT APPLICATION**

Groups allege Kennecott Mining Application Was Incomplete.

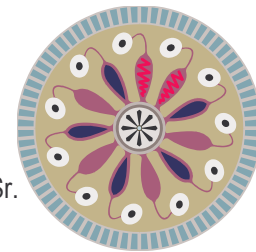
Judge Paula J.M. Manderfield of the Ingham County Circuit Court in Lansing has ordered the Michigan Department of Environmental Quality (MDEQ) to halt all work on a mining permit application for the Kennecott Eagle sulfide mining project in Marquette County, Michigan, until after an administrative law judge determines whether the application is complete enough for MDEQ to proceed.

This decision came as a result of an appeal filed last month by the Keweenaw Bay Indian Community, four tribal members of the Community, the Huron Mountain Club and the Yellow Dog Watershed Preserve, Inc. (the Petitioners). The appeal was from a decision by the State Office of Administrative Hearings and Rules (SOAHR) that denied the petitioners' challenge to MDEQ's determination that the permit application submitted by Kennecott Eagle Minerals Company last February was complete.

Continued on page two.

### **Tribal Council Members:**

Susan J. LaFerner, President  
Warren C. Swartz Jr., Vice-President  
Larry J. Denomie III, Secretary  
Doreen Blaker, Asst. Secretary  
Toni Minton, Treasurer  
Gary F. Loonsfoot Sr.  
Fred Dakota  
William E. Emery  
Michael F. LaFerner, Sr.  
Elizabeth D. Mayo  
Shawanung  
Elizabeth (Chiz) Matthews



### **Special points of interest:**

- **July 8, 2006, Tribal Council Meeting**
- **Taser Training—KBIC Police & Conservation Officers**
- **Kid's Fishing Derby**
- **KBIC at 'Relay for Life'**
- **KBIC Summer Sports**
- **Brittany Maki Lumberjack Queen**
- **Talent Show at Ojibwa Seniors**
- **Aabinoojiiyens**

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Kennecott filed for a sulfide mining permit under a Michigan mining statute recently adopted by the Michigan legislature to regulate sulfide mining in the state. Kennecott's Eagle Project is the first sulfide mine for which a permit has been sought in the State of Michigan and would be located beneath the Salmon Trout River—recently recognized as one of the nation's top ten endangered rivers by American Rivers, a Washington D.C. non-profit organization. The proposed mining site is also within the Yellow Dog Plains and the Escanaba River State Forest, where the United States Fish & Wildlife Service has recently confirmed the presence of the Kirtland's warbler, an endangered songbird protected under federal and state endangered species laws.

The Petitioners filed an administrative challenge in early May with SOAHR to compel the MDEQ to require Kennecott to submit additional information necessary to make the application complete and to make that complete application available for public review and comment before proceeding any further on the permit application, as required by the statute and regulations. That administrative action was dismissed by the SOAHR administrative law judge, who ruled that the

Petitioners would have to wait until the MDEQ makes its final decision on Kennecott's permit application before bringing any challenges.

The Petitioners appealed to the Ingham County Circuit Court, where Judge Manderfield ordered SOAHR to hold a formal hearing to determine whether Kennecott's permit application is complete and ordered MDEQ to halt any further processing of the application until the issue of completeness of the application is decided.

The President of the Keweenaw Bay Indian Community, Susan J. LaFerner, said, "We are pleased that our appeal will result in a closer examination of the Kennecott Mining Permit Application by the State Administrative Law Judge. It is unfortunate that the DEQ has been reviewing and has disseminated to the public for its review, an incomplete application that is missing information required by the state's Sulfide Mining statute and rules. A full and complete application is needed to properly determine whether the proposed mine can be designed and operated in a way that adequately protects the environment and natural resources of the Yellow Dog Plains."

## JULY 8, 2006 — TRIBAL COUNCIL MEETING

The regularly scheduled Saturday Tribal Council meeting was held on July 8, 2006. Susan LaFerner presided over the meeting with Warren C. Swartz Jr., Larry J. Denomie III, Toni Minton, Fred Dakota, William E. Emery, Michael LaFerner Sr., Gary F. Loonsfoot Sr., Elizabeth (Chiz) Matthews, Elizabeth D. Mayo and Shawanung present. Invocation—An opening prayer in Ojibwa by Shawanung and the Lord's Prayer was cited. Numerous Thank You documents were reviewed by the Council and shared with the individuals in attendance.

In the President's Report, Susan LaFerner stated that on June 7, 2006, she attended the Senior Banquet in honor of our graduating L'Anse and Baraga students sponsored by the Keweenaw Bay Tribal Education Committee. She presented each Senior with a monetary gift on behalf of the tribe. Thank you to the Education Committee, Tribal Education staff and all the school staff for many years of great service to our students and the Community. June 9, 2006, President LaFerner and Councilman Mike LaFerner attended Mr. Greg Griswold's Retirement Luncheon in Rhinelander, Wisconsin, and presented him with a gift. He was the district engineer for many years for the Rhinelander IHS office. Congratulations to Ed Janisse and the staff at our WCUP 105.7 Eagle Country Radio station. They celebrated their five-year anniversary on June 15, 2006. On June 16, 2006, President LaFerner attended the "Children's Indoor Play Center" Open House in Baraga and congratulated Debbie Parrish and staff for a wonderful long time project becoming a reality. It is a place where children of all abilities can play, learn and grow together. On June 21, 2006, a group met with Mr. Jeff Davis, Assistant U.S. Attorney-Indian Country Liaison, to review the notice of intent to submit an application/letter for the proposed "Weed & Seed Grant Program," and if funded, will help with the proposed events/training for our Community that our KBIC Service Providers plan on offering. This service provider meeting is now being planned for July 26, 2006. The Drug Task Force will be invited to attend. On June 23, 2006, President LaFerner attended a meeting with the Head Start Committee to begin initial screening of applicants for the upcoming Head Start school year. There are 105 applications, and this task has not been finalized yet. President LaFerner stated she had received the official Certificate of Results of Election, Amendment Number II and the Certificate of Approval to change Article IV, Section 6 of our Constitution to allow eighteen-year-olds to vote in the district in which he or she resides.

President LaFerner announced the decision of Judge Paula J.M. Manderfield of the Ingham County Circuit Court in Lansing who has ordered the Michigan Department of Environmental Quality to halt all work on a mining permit application for the Kennecott Eagle sulfide mining project in Marquette County, Michigan, until after an administrative law judge determines whether the application is complete enough for the MDEQ to proceed (see separate press release, page one).

We also are very excited and pleased that on June 26, 2006, a three-judge panel of the United States Court of Appeals for the Sixth Circuit affirmed a federal district court decision that the Michigan General Property Tax Act is not enforceable against land owned by the KBIC or its members within the boundaries of the L'Anse Indian Reservation. This decision is the latest victory for our Community and its members in a federal lawsuit that was first filed on August 13, 2003, and we can be very proud of this accomplishment (see separate press release, page one).

In the Secretary's Report, Larry Denomie reported the May and June Council actions as follows: approved new gaming licenses; approved probationary licenses and transfers; denied gaming license R0031; temporarily revoked a gaming license for cause; revoked gaming license #E0035; gave a one-year probation period on gaming license #R0049; authorized the President to sign employment agreements with Richard Tuisku and Joe Mrstik, and the special counsel contract amendment with Stetson and Jordan; approved the Community Health Director wage at \$21.68; approved the Recording Secretary job description and to post; approved \$16,182.04 for the Cultural Center renovations; denied Resolution KB1463-2006—a commercial lease for Kerry Picciano and Jody Pittsley and to have a different location found; approved Resolution KB1470-2006 ICDBG grant application redirection; approved Resolution KB1472-2006—the Child and Youth Health Initiative Program; approved Resolution KB1473-2006—COPS Grant; approved Resolution KB1474-2006 and KB1475-2006 for the 2% distributions; approved Resolution KB1476-2006 for E&M bonding; approved Resolution KB1479-2006 for the Heinonen Property; approved Resolution KB1484-2006 Indian Health Service Grant Application under ITC; approved Resolution KB1486-2006 Fireworks Resolution with changes; approved Resolution KB1487-2006 Bill of Sale for the OHA; approved \$3600 for 36 Quikets Licenses; approved \$2,352.50 for ten slot machine base cabinets with reimbursement to come later; approved the design of tickets for the new on-line ticket system; approved a dual license of the Slot Manager; approved the transfer of the current TGRA# from its current coupons to coupons that will be produced electronically by the Oasis system; denied the request from the Ottawa Sportsmen's Club for its Junior Pistol team; approved filling the vacancies on the 2006 committees; approved changes to the WICS and additions as presented by the CFO; approved having any business the KBIC licenses to install a swipe card system; approved the BIA CTGP allocations for FY 2006 budget; approved \$500 for the NCAI conference in Mid-June being held in Sault Ste. Marie; approved an amendment for a previous motion for the CTBG to include the additional \$268; approved renewal of Tim Mayo's All Purpose Drywall license; approved modification to KBO License to include Keri Varline; approved contracts for Dale Schmeisser; approved amendment for RB and Mortenson contract; approved \$500 for the Girl's Softball Team; approved \$900 for the Swartz family emergency request for rooms; approved application to HUD for the Imminent Threat monies; approved a bid of \$16,400 to Penokie Electric for a generator; denied \$1230 for a Golf Team outing; approved \$54 for the girls and \$69 for the boys for the same request (Golf Team outing); approved \$500 for the Houghton High School Class of 2006; denied approving the Intergovernmental Accord to "Expand Joint Economic Development"; approved the use of two blackjack tables for the Baraga High School Bash party on May 26, 2006; approved payment of baseball fees for six youth; made a request that the Youth Committee look at establishing a youth line for Marquette, Chassel and Houghton youth; approved \$123,800 for the Tribal Health Fund; approved the business license for the Four Seasons Inn; approved the Lease Agreement for the Hancock Sales office (radio station) pending attorney review; approved a budget modification for the radio station for the Friday Rock Concert with Jackel for \$18,500; approved the Tribal Mental Health Budget with Tribal Support of \$34,191; approved a donation to Legion Post 444 of \$10,000 for



Continued from page two.

the Tribal Court case to be paid back if the case is won; denied Roger Bodga's visitor permit request; denied a request to Suzie Jondreau, Tabitha Miller and Deanna Had-den as they are receiving a stipend to tour NASA; approved the President to sign the Green Path Agreement; approved Morin Fireworks license for one year at \$125 and amended the fireworks resolution; approved the Hannahville Indian Community WIC Program with KBIC; approved having all KBIC governmental employees to work eight hour days with the exception of Tribal Police, Tribal Construction, Maintenance and Dental staff (due to the Dentist Contract being effective at the end of this pay period of June 11, 2006); approved purchasing two tasers and additions to the manual of operations 109.005 under section c1; approved amendment #1-2006 of the Gaming Commission Regulatory Ordinance effective October 1, 2006; approved the 2007-SDS list with the top four priorities as listed; approved \$18,901 for a police K-9 unit and the policy and procedure for the same; approved \$500 for Steve Geroux moto-cross sponsorship; approved the same amount given in 2005 for the Baraga Kid's Day event; approved the Slot ticket rules language addition as presented by Slot Manager; approved \$1,000 for the MIDE Ceremonies in Mille Lacs; approved \$500 for the Iron Mountain Detachment Bronze Plaque; approved the letter of intent for the UP Area Agency on Aging Grant and authorized the President to sign; approved submitting a letter of intent for the Weed & Seed Strategy Program; approved the 2006 Indian Housing Plan; approved \$1,000, use of ten picnic tables and the little school bus for the 107th Engineer Picnic on July 8, 2006; approved an additional \$20,000 for the Walleye Pond with the USDA funds per the letter dated June 15, 2006; approved making a commitment of the Keweenaw Land Trust pending their application for \$5,000 cash and \$1,000 of in-kind services from the National Resources Department from next year's budget; approved \$500 for the Eagles Women's Fishing Tournament; approved Genevieve Corbett's request for \$700; approved \$250 for the David Le-Claire Benefit Potluck Luncheon; approved \$500 for Bay Cliff; approved transfer of leave from other employees to RD Curtis for the total of 284 hours; approved renewal of Konami Gaming, Inc. vendor license; approved the promotion of Angela Kelly to the position of RPMS Data Entry Clerk/Receptionist; approved Fireworks license for James Welsh; approved a renewal business license for TLC Unlimited for one year (January 2006-January 2007) at \$125 with inspections; approved redistributing Lake Trout tags to those fishermen who have picked up their licenses; approved the MOU between the EPA Region Five and KBIC; approved \$165 for the girl's softball team; approved \$23,575 to North Star Builders for the New Day kitchen renovation; approved \$7,290 to Drift Roofing Company for the Tribal Court renovation; approved amending the emergency funding guidelines to include braces for teeth, effective June 26, 2006, and to be per individual; approved a raffle license for the KB Hockey Association; authorized the President to sign the license agreement between the SCCA and the KBIC with any non-substantive changes; approved the Fortune Card Royal Match 21 game for the Marquette Casino; and approved the Police Chief job description and to post it in-house.

William Jondreau, President of the Baraga County Little League, presented a request for a monetary contribution for the local league. Motion by Gary Loonsfoot Sr. to approve \$1000 for the Baraga County Little League Association, supported by Mike LaFerner Sr., motion carried.

William Jondreau, Head Start Parent Committee member, gave an update on the Head Start application procedures for this year. Terri Denomie, Director of Head Start, was also present. There are 105 applicants for this school year. A discussion on policies for the application processing occurred—who gets the services? What is the eligibility guidelines that the Council wishes to have the program administer? Motion by Elizabeth Mayo to table the service guidelines until a special meeting on Friday, July 14, 2006, and that more information is to be made available (written motions from other tribes), supported by Larry Denomie; opposed by Minton, Loonsfoot, Swartz, and motion carried.

Clayton Ekdahl, Manager of KBIC Tire, and Patrick Horn of Hunter Engineering, presented on a Front End Alignment System. Ekdahl is seeking additional ways to generate more revenue for the Community and is requesting the tribe to purchase a Front End Alignment System. This system will be housed in the blue pole building right next to KBIC Tire (currently storing tribal cleaning supplies). He offers an alternative location (back section of KBIC Tire building) to store these supplies. If approval is granted, a full time employee will be hired immediately. Training will occur, which was included in the bid. A discussion occurred regarding profit/loss statements. Ekdahl would like to expand to add service for oil changes and fixing brakes. Motion by Mike LaFerner Sr. for KBIC Tire and Tire Flatproofing to purchase a front-end alignment system for approximately \$79,000 and for it to be housed in the blue pole building right next door to KBIC Tire, supported by Fred Dakota, motion carried.

A request by Mary DeLine of KBIC Even Start for approval of a larger playground than previously requested. Collaboration with the KBOCC Indoor Play Center has been made to build a bigger play yard located between the Even Start Center and the KBOCC Library. It will provide a fenced-in 280 linear feet playground containing stationary toys and will be divided into two sections, one side for younger children and the other for older children. Motion by Elizabeth Mayo to approve a 280 linear feet playground for Even Start and KBOCC to use, supported by Toni Minton, Swartz abstained, motion carried.

John Bussey, Executive Director Gaming Commission, presented a raffle request for the Ojibwa Senior Citizens. Motion by Elizabeth Mayo to approve the license for the 50/50 Ojibwa Senior Citizens raffle, supported by Mike LaFerner Sr, motioned carried.

Mr. Bussey also presented Resolution KB1488-2006 TICS Revision for approval. On May 11, 2006, the National Indian Gaming Commission published a final rule on revisions to the Minimum Internal Control Standards 25 CFR Part 524. This is the third set of revisions to the Minimum Internal Control Standards. The first was approved by the Tribal Council under Resolution KB1412-2005 on June 30, 2005. The second was approved by the Tribal Council under Resolution KB1435-2005 on October 4, 2005. The publication in the federal register requires that Tribes amend their TICS no later than July 10, 2006, and that Tribes amend their WICS no later than September 8, 2006. Motion by Toni Minton to approve Resolution KB1488-2006 TICS Revision, supported by Elizabeth Matthews, motion carried.

A request to approve Resolution KB1489-2006 Title IV B—Child Welfare Service Grant for FY2007, was received from Judy Heath, Director of Tribal Social Services. This grant has financially assisted numerous families in times of need for ten years. Motion by Larry Denomie to approve Resolution KB1489-2006, FY2007 Child Welfare Service Grant, supported by Mike LaFerner Sr., motion carried.

A request to approve Resolution KB1490-2006 KBIC Senior Assistance Program, was submitted by President LaFerner. Motion by Gary Loonsfoot Sr. to approve Resolution KB1489-2006, supported by Larry Denomie, motion carried.

The Powwow Committee has made a request for four deer tags for meals and feasts during the powwow. Motion by Elizabeth Mayo for to make four deer tags available for the Powwow Committee's hunter (Paul Halverson), supported by Fred Dakota, motion carried.

A request of sponsorship in stock car racing by James Lahti was received. Motion by Elizabeth Mayo to approve \$1000 sponsorship for James Lahti stock car racing, supported by Shawanung, motion carried.

President LaFerner presented IHS Amendment #3 to the MOA for Water/Sewer. This amendment proposes to provide sanitation facilities for an additional three homes on the Keweenaw Bay Reservation. Motion by William E. Emery to approve the IHS Amendment, supported by Gary Loonsfoot Sr., Swartz abstained, motion carried.

President LaFerner presented a request by the Cedar Tree Institute regarding the Manoomin Project. The project is in its final phase and they are scheduling their final planting year. KBIC has helped plant 1300 lbs of wild rice seed in 2004 and 2005, in seven different wetlands and streams in this partnership. They are suggesting a contribution of \$2100, which will cover the cost of seed and travel expenses for this years planting. Motion by Warren Swartz Jr. to approve \$2100 for the Cedar Tree Institute Manoomin Project seeding and travel expenses and to check if there are any National Resource Funds that could assist with these financial costs, supported by Mike LaFerner Sr., motion carried.

President LaFerner presented Personnel Policy Revisions: 2.4C Classification of employees (temporary); 10.1 Annual Leave, 11.0 Sick Leave. These revisions reflect how years of services are determined. Motion by Elizabeth Mayo to approve policy revisions in 2.4C Classification of Employees (Temporary); 10.0 Years of Service; 10.1 Annual Leave; and 11.0 Sick Leave, supported by Toni Minton, and carried.

Sarah Smith presented bids for the renovation of the Ojibwa Senior Citizens Building. Motion by Elizabeth Mayo to approve the bid by Hitch Inc., in the amount of \$38,000, supported by Mike LaFerner Sr., Swartz opposed, motion carried.

Department Head reports for May 2006 were approved prior to closed session with Attorney Christoph Geiger and President LaFerner on the agenda.



## CONGRATULATIONS TO THESE HIGH SCHOOL GRADUATES



KRISTINE MARIE MAKI is the daughter of Kerri and Edward Maki, and is of the ginew clan. Kristine graduated from Houghton

High School and is currently attending Ojibwa Community College; she plans to transfer to LSSU at a later date. She currently is employed at the KBOCC Indoor Play Center in Baraga and plans to continue her education with children. Kristine's goal is to become a teacher.



Danielle Arens is the daughter of Robert and Deborah Arens. Danielle graduated with honors from Hancock High School,

May 28, 2006. She is a member of the National Honor Society. Danielle was active in ROTC in her Sophomore and Junior year. She is employed at Shopko and as a nurse's aide at the HCMCF. Her plans are to attend MTU this fall, majoring in Biomedical Engineering.

## Illegal Dumping Continued Information Request



KBIC Natural Resource Department staff continue to gather information on illegal dumping within the Reservation boundaries. Illegal dumps, in addition to being an eyesore, can contribute to groundwater, surface water, and soil contamination. Some dumps may contain materials considered hazardous to human health. One of the many goals of the Natural Resource Department is to cleanup illegal dumps within the Reservation boundaries, and we have recently conducted some

cleanup activities. If you are aware of the location of an illegal dump, please contact either Char Beesley (524-5757 x14) or Todd Warner (524-5757 x13) at the KBIC Natural Resource Department.

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## TRIBAL OFFICERS RECEIVE TASER TRAINING

On July 1, 2006, ten officers of the Keweenaw Bay Tribal Police and Conservation Departments received training in the state of the art, non-lethal Taser X26 electronic stun device.

The Taser fires two small needle like probes into the clothing or skin of the perpetrator who is non-compliant with officers who are attempting to arrest them.

The X26 Taser, another form of non-lethal weapon, sends a high voltage, low amp electrical charge through the perpetrator's body, which immobilizes the central nervous system and allows officers to restrain the perpetrator without risk of injury to a non-compliant individual or the arresting officer.

There is a five second charge of 50,000 volts that races through the body causing them to completely lose control of their muscles, and then they usually fall to the ground. The charge will not flow to another body, even if there is a hostage being held by the suspect.

The newly acquired device will allow the arresting officers to safely approach and restrain any individual who has become a threat to the safety of others.

For the officers to feel the total effect of the X26 Taser, all of the officers had to experience the effects of the Taser gun, before they were allowed to carry it on duty. The training was held at the Ojibwa Community College and was taught by KBTP Sgt. Duane Misegan, who is a certified X26 Taser Instructor as he had received his training at NMU in Marquette.



Above—Sgt. Dale Dakota operates the Taser on Officer Irvin Smith who is supported by Officer Jennifer St. George and Conservation Officer Tony Loonsfoot.

The class consisted of four hours, power point presentation, handout material, policies and procedures, history, etc. It was followed by a written test. After the successful completion of that test, the officers were then brought to the Ojibwa Community gym. From there, they were shot with the weapon, which consisted of a five second charge. All attending tribal officers have been certified to use this device in their official duties, while on duty.

The shock of the X26 ends as quickly as it was applied. There was no long lasting lingering effects, except for the five second charge that had just been applied, which no one would forget. To most of

the police and conservation officers, it was the longest five seconds of their lives.

The Keweenaw Bay Tribal Police and Conservation Departments now join the area law enforcement jurisdictions who now have and use the X26 Taser, a non-lethal device. It is another tool for use in their official duties.

The following agencies have them and have all been certified in its use—Baraga County Sheriff Department, L'Anse Village Police Department and the Baraga Village Police Department.

"We hope that they (Police and Conservation Officers) never have to use this device, but it is there, not only to safe guard the safety of the perpetrator and others, but for the safety of the responding officers. It will in my opinion, definitely alleviate any potential problem that may arise, regarding any unruly behavior," stated KBTP Captain William Seppanen Jr.



## OUR DEEPEST SYMPATHY

### Martina Rodriguez

(December 11, 1923 - June 14, 2006)

Martina Rodriguez, 82, died Wednesday, June 14, 2006, surrounded by her family at St. Mary's Hospital. She was preceded in death by her husband, Pedro Rodriguez; parents, Henry and Emma Loonsfoot; daughter, Karen Marie Hugo; son, Kenny Hugo; brothers, Robert and Henry Loonsfoot; sisters, Genevieve Corbett, Alice Carlson and Lucille Morro.

Martina is survived by brothers, Anthony Loonsfoot of Spokane, WA, Edmond (Betty) Loonsfoot of Nixa, MO; grandchildren, Charles (Olivia) Loonsfoot, Melissa (Paul) Koepp, Vincent, Rodney and Andrew Loonsfoot; 13 great-grandchildren; 10 great-great-grandchildren and numerous nieces and nephews.

A memorial service was held Saturday, June 24, 2006, in the Most Holy Name of Jesus Church in Assinins with Rev. George Maki officiating. The Jacobson Funeral Home assisted the family.



### Gloria R. Bressette

(February 5, 1936 - May 11, 2006)

Gloria R. Bressette formerly of Baraga, died on May 11, 2006. She was preceded in death by her husband, Kenneth. A private memorial was held in St. Paul, Minnesota.

### Homebuyer Information Session—

The Ojibwa Housing Authority will be holding a Homebuyer Information Session on Wednesday, August 2, 2006, from 6 pm to 8 pm at the Ojibwa Senior Citizens in Baraga. Professionals from a variety of lending agencies will provide information on services that they offer.



### Homebuyer Training Session—

On Wednesday, August 9, 2006, a Homebuyer Training Session will be held at the Ojibwa Senior Citizens in Baraga from 6 pm to 9 pm. Several areas involved with the homebuying process will be covered.

To sign up for the sessions, please contact Christine LaPointe or Natalie Mleko at 524-5514!

## CONGRESS PASSES A LAW TO PREVENT CONTINUED FRACTIONALIZATION OF ALLOTMENTS

### TRIBAL MEMBERS WHO OWN ALLOTMENTS ARE ENCOURAGED TO HAVE WILLS.

The American Indian Probate Reform Act was passed by Congress in late 2004, ("Indian Probate Reform Law"). The Indian Probate Reform Law became effective on June 20, 2006, and applies to federal allotments created under federal statutes and treaties between Indian tribes and the federal government, such as the 1854 Treaty between the Keweenaw Bay Indian Community and the United States. The Indian Probate Reform Law does not apply to tribal assignments or any property interest created under tribal law or state law, such as ownership of land in fee simple title.

For most of the last 120 years, upon the death of a tribal member owning an allotment, the allotments have been probated under state laws. Since most tribal members do not have written Wills, which are directions to the Probate Court as to who would inherit the tribal member's allotment, most allotments were passed onto heirs of the tribal member under state "interstate" laws. This ultimately resulted in "fractionalization" of Indian allotments across the United States.

The primary purpose of the Indian Probate Reform Law is to curtail the continued fractionalization of trust land ownership, including allotments, by establishing a nationwide uniform system to regulate the inheritance of trust lands in Indian country.

Under the Indian Probate Reform Law, if a tribal member, who owns an allotment, doesn't have a will, upon the death of the tribal member:

- The tribal member's spouse will receive a "life estate" in the allotted property and upon the death of the spouse, the allotment will automatically pass on to the children of the tribal member.
- If the tribal member and spouse do not have surviving children, upon death of the spouse, the allotment is inherited by grandchildren or great-grandchildren, if any, and if there are no grandchildren or great-grandchildren, then by the parents, if any, and, if there are no parents, then by the brothers and sisters.
- If the tribal member who owns the allotment, does not have any surviving children, grandchildren or great-grandchildren, parents or brothers or sisters, and after the death of the spouse, if any, the allotment is automatically transferred to the tribe.
- All eligible heirs must be Indian or within two generations of the tribal member owning the allotment or owners of another trust interest in the same allotment.
- If land is less than five percent of a tract of land, the spouse is only entitled to a life estate if she/he lives on the land and then the allotment is inherited only by the oldest child or grandchild of the tribal member.

These and additional provisions of the Indian Probate Reform Law are known as the federal "interstate" laws and only apply to tribal members in circumstances where the tribal member who owns an allotment dies without having a written Will and if the Tribe having a reservation in which the allotment is located has not adopted a Tribal Probate Code.

Therefore, it is very important that tribal members who own allotments do have a written Will which identifies the individuals that the tribal member wants to inherit the tribal member's interests in the allotment or trust lands. However, there are certain restrictions under the Indian Probate Reform Law on persons eligible to inherit allotments or other trust lands even under Wills. In general, land in trust cannot be devised to non-Indians unless they are the decedent's lineal descendants. Additionally, even if a decedent's spouse is not mentioned in a will, the spouse may inherit some of the decedent's trust property.

The Office of the Tribal Attorney is currently preparing a Tribal Probate Code which will be submitted to the Tribal Council for adoption. The Tribal Probate Code will set forth the rules under which the Tribal Court will probate Wills of tribal members. It is recommended that tribal members with trust lands discuss their inheritance issues with regards to these lands with an private attorney.





4th ANNUAL KIDS FISHING DERBY ‘DENISE MARTH MEMORIAL’



John Messer III, age five, proudly shows off his fine catch from the pond.



Johnny Davis Jr., age ten, shown to the left with his father, John Davis Sr. His fish was caught in the tank stocked by KBIC Natural Resources.

The 4th Annual KBIC/Denise Marth Memorial Fishing Derby was a success!!! On Saturday, June 24, 2006, there were a record number of children attending the 4<sup>th</sup> Annual KBIC/Denise Marth Memorial Kids Fishing Derby. There were 170 children registered with well over 200 children attending all together.

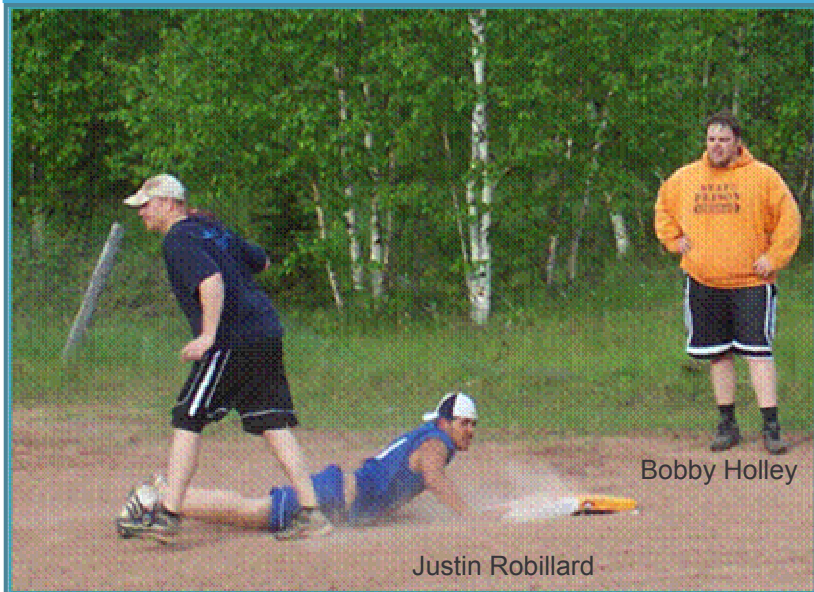
The event took place at the Lighthouse Pond on Sand Point and is sponsored by the Keweenaw Bay Indian Community Natural Resource Department (KBICNRD) along with a large number of donators throughout our community (a list of businesses is provided below). This year's event was organized by Liz Sherman, KBICNRD Secretary, along with other KBIC staff.

Registration was held from 9-10 am and the event ran until 1 pm. Children bringing their own fishing pole received a free tackle box and those who did not have a pole had a chance to pick from a variety of free fishing poles. The first group of 15 kids registered went to the fishing pond for 20 minutes of fishing. The next 15 kids had a chance to take part in the Velcro fish casting contest for 5-8 year olds, 9-12 year olds could take casts at the hula hoop contest, and all ages were brought to the waterfront for the inner tube casting contest. Other features included a display by Baraga State Park Explorer Guide, Marta Loman, boat rides by KBIC Conservation, an appearance by Smokey the Bear, and hot dogs and sno-cones were provided. A big hit that was started in 2004, was our brook trout tank. We transferred approximately 100 of our brook trout from the hatchery to a holding tank where the children could either release the fish or take them home if they caught one. After the second group of 15 kids fished in the pond, they combined as a group of 30 and went to see Pauline Spruce at the prize area for random drawings to win a prize.

(continued on page ten)

SUPERIOR PIZZA MEN’S TEAM IN ACTION

More men’s pictures on page seven. →





# SUPERIOR PIZZA WOMEN'S TEAM



Superior Pizza Women's Team—This team consists of KBIC women who are coached by Dan Connors. Many of the women have played numerous years on this team and have become quite successful. As of printing date, the team is 7-5.

Left to Right (Front row)—Nancy Voakes, Jordanne Gauthier, Shelia Ekdahl, Catherine Ekdahl, Peeky St. George, Tina Messer, Lindsey Loonsfoot, (Back row)—Coach Dan Connor, Bridgette LaPointe, Cheryne LaPointe, Kerry Varline, Teri DeCota, Jodene Rasanen, Beth Connor, Becky Genschow and Angie Olson.



Many KBIC men play for Superior Pizza in the Baraga County Men's Softball League. This is a young team who are gaining much experience every week. Come out and cheer them on. They play throughout Baraga County on Wednesday evenings.



Alden Connor Sr.



William Jondreau

Jessie Forcia



Jason Forcia



Plan to attend the New Day Sobriety Traditional PowWow on August 19-20, 2006, PowWow grounds, Baraga, MI. New Day is honoring Doug Welsh, for his years of sobriety and commitment. Grand Entry on Saturday 1pm and 6pm, and Sunday 1pm. No fees. Head Dancers are Lester Drift (Boise Forte, MN) and Melissa McGeshick (LVD). Host drum is Sons of the Three Fires (Gun Lake, MI). For more info call Paul Halverson at 524-4411.

## Knowledge Is Power



**Know Your Numbers—Check Your Blood Sugar**

This Ad Is Sponsored By The KBIC Diabetes Program 906-353-4559

(7) Niizhwaaswi



# AABINOOJIIYENS



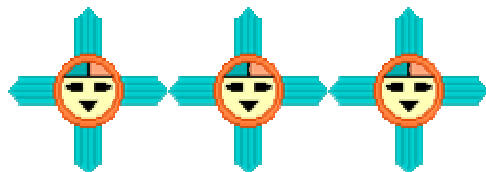
Meet Draven Thomas Hooper, born February 27, 2006, to Janelle “Nellie” Emery and Tom Hooper. Draven weighed 6 lbs 8 oz and was 19 3/4 inches long at birth. Grandparents are Colleen and John DeRoche. Great-grandparents are William and Gretchen Emery, and the Late Georgianna Emery. Congratulations and welcome to our community!



We’d like to welcome these two natural brothers to the family of Joshua and Tricia Emery. (Left) is one-year-old Eli Curtis Emery. Eli was born 04/12/2005 with his adoption finalized on 05/03/2006. (Right) is three-year-old Joshua Owens Spencer Emery. “Lil Josh” was born 03/05/2003, with his adoption finalized on 03/25/2005. Grandparents are Colleen and John DeRoche. Great-Grandparents are William and Gretchen Emery. Welcome!



Meet Keira Dakota, born July 7, 2006, to Rhea Koski and Dale Dakota. Keira weighed 8 lbs, 14 oz and was 20 inches in length at birth.



## KBIC TEAM PARTICIPATES AT ‘RELAY FOR LIFE’

With a \$5,000 donation, KBIC was one of the largest sponsors in the Relay for Life. Staff of the Dept. of Health and Human Services and Tribal Social Services represented KBIC at the event held June 23-24, 2006, at the Houghton High School Track. Team members and supporters came to the track to walk for the 24-hour period to show their support in the fight against cancer. The team also raised over \$1,600 with a spaghetti lunch and on-site fundraisers. They sold candy bars on site that were donated by Snyder’s Pharmacy, Pines Convenience Center,

Bayshore BP and Pat’s Foods. A basket of items for pampering yourself was also raffled out. The group sold relay “hope” bracelets, and sold bricks for individuals to decorate that were used to pave the yellow brick road. According to team leader, Heather Wood, “Our theme was the *Wizard of Oz* where **Dreams Do Come True** and we were **Fighting Cancer One Brick at a Time**. Our site decorations won third place in the event.” The KBIC team hosted the breast cancer awareness lap with pink shawls.



Left to right—Lana Robillard with twin sons, Coby and Cade Robillard, Mary Tikkanen, Becky Tussing and Heather Wood were participants in the Pink Shawl Lap Exhibition Friday evening, at the ‘Relay for Life’ event.



Left to right—(front) Brenda Brunk, Nancy Pawlowski, Donna Pawlowski, (back) Heather Wood, Nick Mayo, Mary Tikkanen, Deb Arens, Linda Wood, Chelsea Brunk and Kathy Mayo dressed for KBIC’s team theme—Somewhere over the rainbow, **DREAMS COME TRUE**.



## KBIC enjoys 4th of July Celebrations



The Children's Parade held in downtown Baraga, drew many decorated bikes, wagons and ATVs. Many moms, dads, aunts, uncles, cousins assisted with the youngsters. 🇺🇸🇺🇸🇺🇸🇺🇸🇺🇸



### Brittany Maki Crowned Lumberjack Queen



Left to right—Margarita Nieskes (runner up) and Brittany Maki (Lumberjack Days Queen) definitely brightened up the main parade.

Brittany Maki, 17, of (Zeba) L'Anse, Michigan, was crowned the 2006 Lumberjack Queen, on July 3, 2006, during the Village of Baraga Lumberjack Days festivities.

Brittany is the daughter of Art and Patti Maki Jr. She is the granddaughter of Clyde and Barbara Swartz and the (late) Art and Pat Maki Sr. Brittany will be a senior at the L'Anse High School this fall. She is a honor roll student and involved in National Honor Roll, National Honors Convocation, Family Careers Community Leadership Association and the LHS Student Council. She is a member of the Keweenaw Bay Indian Community and the KBIC Youth Club. Brittany is employed at Superior Pizza.

Brittany enjoys spending time with family and friends, playing softball, basketball, running, weight-lifting, collecting eagle feathers, babysitting and "helping out in my community."

Brittany plans, after completing her high school education, to attend Michigan State University to pursue a master's in law and then on to Cooley to pursue a career in criminal justice.

Margarita Nieskes is the daughter of Curt and Eleanor Nieskes of Baraga. She will be a senior at the Baraga High School and carries a 4.0 grade point average.



KBIC Color Guard



The Lumberjack Days Main Parade was held in Baraga, Michigan, on July 4, 2006. Pictured above (top) is the KBIC Color Guard who marched in the parade. The Ojibwa Casino entered a float (above), distributing many free items to the crowd. (Right) The KBIC Youth Club booth offered face painting, helium balloons and other trinkets.





Community Calendar - AUGUST 2006

Eye Injury Prevention Month

| Sun  | Mon | Tue                    | Wed | Thu | Fri   | Sat                        |
|--|-----|------------------------|-----|-----|---|----------------------------|
| Events listed on calendar are listed throughout the news-letter FYI. |     | 1                      | 2   | 3   | 4   | 5 Council Meeting @ 9 am   |
| 6  | 7   | 8                      | 9   | 10  | 11 10-3 Rabies Clinic (see ad)         | 12                         |
| 13   | 14  | 15                     | 16  | 17  | 18  | 19 New Day Pow-wow, Baraga |
| 20 New Day Pow-wow, Baraga   | 21  | 22 Craft & Learn, 5 pm | 23  | 24  | 25  | 26                         |
| 27   | 28  | 29                     | 30  | 31  | Events occurring throughout the KBIC Community are welcomed to be listed on this calendar. email newsletter@kbic-nsn.gov. |                            |

HO-CHUNK NATION'S 9TH ANNUAL  
ALL NATIONS  
CO-ED SOFTBALL TOURNAMENT

Friday through Sunday, September 1-3, 2006  
Jackson County Fairgrounds, Black River Falls, WI

Held in conjunction with Labor Day Contest Powwow

16  
Team  
Limit

Double Elimination  
\$275.00 Entry Fee

16  
Team  
Limit

First Place

\$3,500.00

Second

\$2,500.00

Third

\$1,500.00

Fourth-Sixth Place Based On Registration

Team Traveling the Furthest Distance

\$500.00

Second Furthest

\$275.00

All Entry Fees Must Be Received by August 25, 2006  
Schedule Will Be Randomly Drawn on August 28, 2006

For Rules and Information Contact:  
Todd R. Matha at 1-800-434-4070  
Sponsored by:  
Ho-Chunk Nation  
[www.ho-chunk.com](http://www.ho-chunk.com)

Continued from page Six—Kids Fishing Derby.

There were a total of 28 children who caught fish from the pond. The fish species included perch, rock bass, large mouth bass, bull heads and brook trout. Even a couple frogs and turtle's were caught.

We tried making sure all kids had a chance to win something. The major prize winners from all the contests are listed below. This was the first year we also had a prize drawing for the adults who brought the children to have a fun day of fishing.

Casting Contest Winner (9-12 yr olds):

- 1<sup>st</sup> Katrina Ravindran
- 2<sup>nd</sup> John Davis, Jr.
- 3<sup>rd</sup> Frederick Dakota

Inner Tube Casting Contest Winners (All ages 5-12):

- 1<sup>st</sup> and 2<sup>nd</sup> Abbey Hendrickson, 3<sup>rd</sup> Alexandria Loonsfoot

Adult Drawing

- Shimano Fishing Poles—Susan Massie and Lori Tervo
- Fillet Board and Knife— Kim Miron and Glen Haataja

Velcro Fishing Contest Winners (5-12 Yr olds):

- 1<sup>st</sup> Emily Magaraggia
- 2<sup>nd</sup> Dylan LaPlante
- 3<sup>rd</sup> Jeri Ann Tervo

Most Fish 9-12—Dillon Hueckstaedt

Most Fish 5-9—Brian Fedie

Biggest Fish 9-12—Dillon Hueckstaedt

Biggest Fish 5-9—Kaylee Brazeau

The Keweenaw Bay Natural Resource Department (KBNRD) would like to thank all of the following businesses and volunteers who made the 4<sup>th</sup> Annual KBIC/Denise Marth Kids Fishing Derby a success! A-1 Toy-Lets, Ace Hardware, Baraga County Federal Credit Union, Bay Auto, Bayshore BP, Bayshore Vet, Book World of Houghton, Commercial National Bank, Countryside Farm & Garden, Crusty's Pizza, Dairy Queen, Disney Bait and Tackle, Domino's Pizza, Downwind Sports, Eagle Radio, Erickson's True Value, Festival Foods, Gander Mountain, Hardee's, Headlines, Hilltop Restaurant, Holiday, Homestead Graphics, Huron Bay Trading Post, Indian Country Sports, Irene's Pizza, KBIC Cul-tural Committee, KBIC Medical Clinic, KBIC Natural Resource Committee, KBIC Summer Youth, KBIC Tire, KBIC Tribal Construction, KBIC Tribal Council, Lahti's, Larry's Market, Lutes Corner Store, Marquette Children's Museum, Mitch's Trading Post, Ojibwa Gift Shop, Ojibwa Casino, Ojibwa Senior Citizens, Pat's IGA, Pines Convenience Center, Quincy Fire Department, Radio Shack, Range Auto, Snyder Drugs, Subway, Superior Salon, UP Theaters, USFWS Ashland, Wisconsin, VFW Club, Wilkinson's, Marta Loman of Baraga State Park, Char Beesley, Liz Sherman, Kit Racette, Gene Mensch, Micah Petoskey, Shawn Seppanen, Mike LaPointe, Fran LaPointe, Dale Goodreau, Everett Ekdahl, Joe LaBeau, Don Carlson, Pauline Spruce, Stan Spruce, Chuck Brumleve, Todd Warner, Debbie Williamson, "Popcorn" Elizabeth Mayo, Joe Mrstik, Beverly Cardinal, Vicki Emery, Ashley Denomie, Tom Clisch, Tim Tilson, Jim LaPointe, Zena Huhta, Kerry Picciano, Al Gauthier, Ted Shalfoe, "Fergus the dog," Ken Spruce, Sam Spruce, Trevor Spruce and Tony Loonsfoot.

With the great number of businesses that donated and the volunteers who gave their time, we may have forgot to mention everyone. If we have, we would like to thank you for your donation or time that you gave. I would also like to thank all the parents and children who participated and hope to see you all again next year!

(10) Midaaswi

Ojibwa Community Library

I'd like to take a moment to address the issue of late or lost library books. Please return them to the book drop bin @ the entrance to the college. For those patrons who have accrued large fines, I can set up a monthly payment plan. Once those fines have been paid in full, your library privileges will be re-instated. Please return the books, there are patrons who would like to read them. Thank you.

~ Mary Bergerson, Library Director

BOOK SALE.....

Ojibwa Community Library  
Hard cover, adult fiction only.  
\$.50 a book. No closing date.



Heroic Action

Fifteen-year-old Wesley Curtis, without any hesitation, rushed out into Lake Superior to save seven-year-old Bailey Denomie. The young girl was playing on a raft, which had drifted out a little too far. She had attempted to paddle back in with no relief. The young girl panicked and slipped off the raft, but the water was over her head. She was bobbing up and down, unable to save herself. At that time, one of the adults noticed what was happening and screamed. Wesley immediately took action without any prior thought; he swam out to the young girl and brought her to shore. She was quite shaken but required no medical attention. The incident occurred Saturday, July 15, 2006, at a family picnic near the Baraga Lighthouse. The Denomie and Funke families and the Community wish to say Chi Miigwetch Wesley Curtis for your quick actions!



# Unbelievable Talent on the Rez...

The KBIC Ojibwa Elders hosted the Michigan Indian Elders Association's Second Quarterly Meeting July 11, 12 & 13, 2006, with a chosen theme, "Aloha!" Meetings and activities were held at the Helene C. Welsh Senior Center in Baraga, Michigan. The three days were chucked full of events including a delegates meeting, MIEA meeting, and presentations by Dr. Marianne Brady, Dr. Oh, Dr. Zobro, Dr. Dale Schmeisser, and Ted Holappa. Wednesday evening, an audience of nearly 100 enjoyed the unbelievable talent on the rez. Ginny Ann Jermac, serving as MC, introducing many individuals who were kind enough to share their talents for the crowd's enjoyment.



Warren Petoskey shared a song about recovery and healing, "Carry on." Mr. Petosky, a talented comedian, definitely filled the room with laughter.



11-year-old Megan Tucker performed one of her many talents—a hoop dance.



Peggi Shelifoe shared a Hawaiian song "Ahi Wela" (Twinkle, Twinkle in Hawaiian).



BABS—Barbara Mantila shared her wonderful sense of humor with a joke or two.



John Bussey, baritone, shared two songs—"Shanty town" and a comedy tune, "Lily the Pink."



Singer Doreen Smith shared two country favorites—*It's a little too late* and *It won't be me*.



15-year-old Ethan Smith performed *Swan* on the cello. Later in the evening he shared another talent with a selection on the piano. A very talented young lad here!

Nine-year-old Vanessa Beaver and ten-year-old Desiree Jermac, performed a catchy little tune — "Some call it magic."

Magically smiles filled the room.

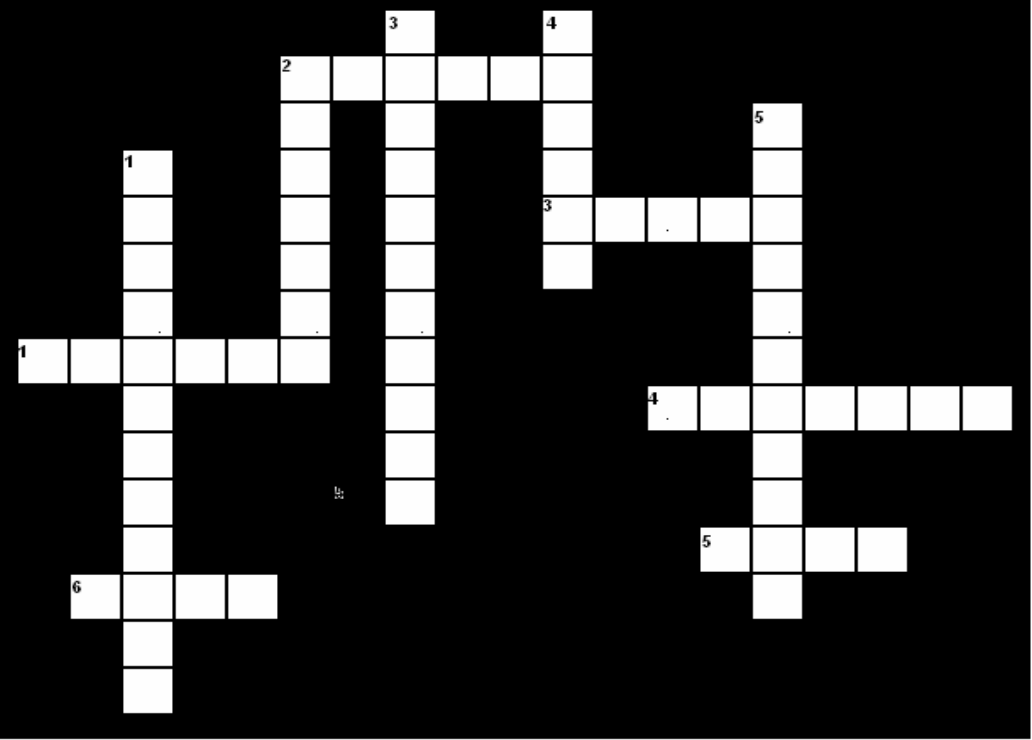


## Vocabulary

*manomin* - wild rice  
*manominikeda* - Let' make wild rice  
*bawa'am* - s/he knocks rice  
*jimaan* - canoe  
*inabin iwedi* — look over there  
*anang* -a star



*dibikad* - night  
*zibi* -a river  
*bekaa* - wait  
*giga wabamin* -I'll see you  
*minawa* - later



### Down

- 1. Let's make wild rice.
- 2. wild rice
- 3. look over there
- 4. s/he knocks rice
- 5. I'll see you



### Across

- 1. canoe
- 2. later
- 3. a star
- 4. night
- 5. a river
- 6. wait

Ojibwemowin page created by:  
JoAnne Racette, KBIC Ojibwa  
Community College Native  
American Studies Instructor



"Elvis," Dave Firestone is no stranger to Ke-weenaw Bay. Elvis performed— "Little Sister."



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On Call positions: LPN - RN - Unit Manager -  
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For a current job listings, complete job announcements, application  
and closing dates contact:

KBIC Personnel Department  
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906-353-6623, ext 4176 or 4140  
Or visit <http://www.kbic-nsn.gov/html/personnel.htm>

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**NEW HIRE at KBIC**

**Data Entry Clerk/Receptionist — Angela Kelly**

Visitors of the Donald LaPointe Medical Center, second floor, will be greeted by a new face. Angela Kelly has accepted a promotion for the position of Data Entry Clerk/Receptionist at DHHS. Kelly recently was employed with KBIC as a part-time Healthy Start Aide.

Angela resides in Baraga with her husband, Chris, and their two daughters, Dana (three-years-old), Madison (two-years-old), son Christian (five-months-old), and her step-son Quillian (eight-years-old). Angela states, "I'm very excited to have joined the Health Team full-time. I am looking forward to new challenges and more opportunities."

**Anishinaabe Anokii**  
First People's Work Center

A small business development and support center sponsored in part by a grant from the ANA that is focused on Native American-owned businesses and entrepreneurs. Anokii staff assist Native Americans and non-Tribal members in becoming successful and profitable business owners.

**Anishinaabe Anokii services include:**

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- Business Development Resources
- Fax, Copier, Computer & Internet Services, Meeting Room
- Business Support & Developmental Education Classes
- Confidential Credit Counseling & Financial Literacy Classes
- "Indianpreneur" Business Development Program

**8:00 am-4:30 pm**

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L'Anse, MI 49946 Fax: (906) 524-2266

Timothy W. Shanahan, Business Counselor  
Tina Durant, Services Coordinator

**1<sup>ST</sup> STEP COUNSELING SERVICE**

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